

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DENNIS GRIGSBY,

Petitioner,

: Case No. 3:19-cv-108

- vs -

District Judge Walter H. Rice  
Magistrate Judge Michael R. Merz

STATE OF OHIO,

:

Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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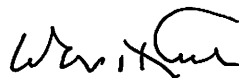
This case is before the Court on the Report and Recommendations of the Magistrate Judge who recommended the case be dismissed without prejudice for lack of subject matter jurisdiction because Petitioner is not currently in custody pursuant to a judgment of any court of the State of Ohio (ECF No. 10, PageID 40).

Petitioner was notified of his obligation to file objections to the Report within seventeen days of its service on him. *Id.* at PageID 43. More than seventeen days have expired and no objections have been received. The Court has independently reviewed the Report and finds no error of law or clearly erroneous finding of fact.

Accordingly, the Report is ADOPTED and the Clerk is ordered to enter judgment dismissing the case without prejudice. The case is terminated on the docket of this Court. The Court hereby certifies to the Sixth Circuit that any appeal would be objectively frivolous and should not be permitted to proceed *in forma pauperis*.

IT IS SO ORDERED.

May 30, 2019.



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Walter H. Rice  
United States District Judge